

EXHIBIT D

Board of Selectmen
Regular Meeting

October 20, 2003
Middle School, Room 118

Present: Chairman Robert Whalen, Selectmen Marc Miller and Harry LeCours

Chairman Whalen called the meeting to order at 6:48 p.m.

INTERMITTENT POLICE OFFICER APPOINTMENTS

On a motion of Selectman Miller, duly seconded, the Board voted unanimously to appoint the following individuals as Intermittent Police Officers:

Stephen J. Conley, Bryan J. Matthews, Anthony Hnath, Louis Trapasso, Matthew Topping, and Michael Topping. Jonathan P. Burnham, provisionally appointed as an intermittent police officer pending satisfactory completion of the necessary physical exam and agility testing that must wait until his release from military service.

RECOMMENDATION ON WARRANT ARTICLES

Mr. Gustus, Town Administrator, discussed the articles and motions for the Fall Town Meeting.

Article 10 – Hillside Bylaw – A discussed took place regarding this Article. Selectman Miller inquired if there was reference made by the Board of Health on this particular article. Chairman Whalen commented on the memo he received from Jim Nugent, Health Agent, informing him the Board of Health met on October 14th concerning this Article. The Board of health is now recommending its passage with the changes proposed by Alan Dresios. Mr. Gustus said a new draft containing the changes is being circulated and will be offered for approval tonight. A discussion took place with Attorney Mullen raising some questions concerning the wording. Chairman Whalen commented he has heard enough discussion and the details concern him because of the possibility of litigation. Selectman LeCours agreed and suggested more review be done before approval; Selectman Miller concurred. On a motion of Selectman Miller, duly seconded, the Board voted unanimously to indefinitely postpone Article 10.

Article 11 – Diesel Fuel Bylaw – Mr. Gustus explained the purpose of this Article. He said if passed, existing diesel sites would not be allowed to expand. He has reservations with this Bylaw noting the reference to “residential zone” and asked what does this mean and is this allowed within a commercial business zone? What is a diesel-burning site? Attorney Mullen explained if this Article passes, the Town could expect to defend litigation. Crystal Motors would bring a lawsuit because of the “regulatory taking” of their property. He explained under M.G.L. Chapter 111, the Board of Health could issue reasonable rules and regulations on air quality. Chairman Whalen noted several years ago the Town changed the Bylaw not to allow trucking and he feels this Article, if passed, could bring a legal action that could be extremely costly to the Town. Attorney Mullen recommended that this Article be

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RECOMMENDATION (continued)

forwarded to the Board of Health for a more nuanced response. On a motion of Selectman LeCours, duly seconded, the Board voted unanimously to indefinitely postpone Article 11.

BUDGET BALANCING

Mr. Gustus discussed Article 2 that would amend the FY2004 annual budget adopted at the April 28th, 2003 Town Meeting. He proposed reducing the School Budget from \$13,083,882 to \$12,883,882. The School's currently have \$215,000 in uncommitted SPED appropriation however, they claim they have unresolved cases that could cost an additional \$2 - \$300,000. At one point he thought the School Committee Chairperson agreed however, he heard this morning they will oppose this reduction at Town Meeting. They assert that the State's Circuit Breaker will only generate \$92,000. He advised the Selectmen on what we do know as follows:

Current surplus:	\$215,000 in SPED money
Worst Case Circuit Breaker	\$ 92,000
Unbudgeted FY04 Grants	\$ 67,000
Additional FY03 Carry Forward to be used for FY04 Needs	<u>\$268,000</u>
Total Uncommitted Funds to use to meet SPED needs	<u>\$642,000</u>
Less Article 2 cut	(\$200,000)
Balance Available for Additional SPED Costs	<u>\$442,000</u>

and a reduction in the appropriation line item (Deficit Accounts) from \$50,000 to \$0. Appropriate \$403,745 from the Building Reserve Fund to line item 108 (Long Term Principal).

He recommended the Selectmen adopt his recommendations. Selectmen Miller and LeCours expressed their feelings that this is a no brainer, and asked why the School Committee doesn't want to co-operate? The Board agreed with Mr. Gustus recommendations.

At 7:30 p.m. the Board adjourned the meeting to the conclusion of the Town Meeting.

Linda Cardavelli

Linda Cardavelli
Administrative Assistant